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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,273	09/05/2000	C. Douglass Thomas	CDTP006	8031

7590

01/07/2003

C Douglass Thomas
1193 Capri Drive
Campbell, CA 95008

EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 01/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,273

Applicant(s)

THOMAS, C. DOUGLASS

Examiner

Sam Rimell

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2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Freivald et al. ('836).

Claim 1: Freivald et al. discloses the steps of monitoring changes to an on-line website (col. 6, lines 50-52) to determine a change value (the CRC; col. 6, lines 38-40). The change value is then compared to a certain threshold value (10% change or 70% change; col. 12, lines 33-56) and determining a need to update the prior registration of the website (the prior registration is the step of having the user register the on-line document (website with URL) for change detection, at col. 6, lines 48-50, while the updating is the step of sending an e-mail to the user to advise of a change, col. 6 lines 53-54. The system determines the need to perform this update).

Claim 2: Freivald et al. discloses the steps of accessing an on-line site and examining the files at that site (col. 6, lines 51-52). Freivald et al. further discloses the concept of determining a

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change value based on a comparison of current and previous site information. This comparison can be either a comparison of current and previous CRC ratings for the site (col. 6, lines 64-66) or it can also be a comparison derived from comparing the original document to the current document (col. 2, lines 15-21).

Claim 3: The examined site is a website on the Internet (col 1, lines 19-25).

Claim 4: Since a website can contain copyrighted material, the registration of a website with any entity will literally read as a copyright registration, lacking any further details on the nature of the registration.

Claim 5: The on-line site is identified by a URL (col. 6, line 3).

Claim 6: Freivald et al. discloses the steps of identifying an address location (col. 6, lines 49-50); periodically crawling the address to determine content change (col. 6, lines 51-52); determining a degree of change (col. 6, lines 38-40); determining that a registration is needed (determining that an e-mail needs to be sent to the user, col. 6, lines 53-54); and making that determination based upon a the change value exceeding a predetermined threshold (col. 12, lines 33-41).

Claim 7: When the determination is made that a new registration is needed (the act of making the new registration is sending an e-mail) a notification in the form of an e-mail message is sent to the user.

Claim 8: The notification is an automatic e-mail notification (col. 6, lines 65-67).

Claim 9: The e-mail notification can include information on the amount of content change that has occurred (col. 12, lines 21-27).

Claim 10: The system of Freivald et al. can also indicate where the changes to the document have occurred. For example, changes to specific hyperlinks (col. 13, line 65-col. 14, line 9) on a page can be indicated to the user. In addition, changes only to specific sections of documents (col. 13, lines 20-21) rather than changes to the entire document can be indicated.

Claim 12: The step of registering the website is the act of notifying the user by e-mail of the change.

Claim 13: The website has a registration for change detection. Whether or not this registration is “previous” or “subsequent” depends on what the registration is being compared to. The registration for change detection may be subsequent to previous registrations by the same user.

Claim 14-15: The user is notified by e-mail that a web page has been registered for change detection (col. 7, lines 14-16). The registration may be subsequent to a previous registration by the same user.

Claim 16: The registration process occurs on-line (col. 7, lines 1-16).

Claim 17: If the registration is a subsequent registration by the same user, the registration will refer to user information that has been previously submitted and stored.

Claim 18: Once the document or website is registered for change detection, the user can specify only specific sections to be reviewed for change detection (col. 7, lines 11-14).

Claim 19: Freivald et al. discloses the method steps of storing a local copy of a document (col. 2, line 3). On a periodic basis, a website at a specific URL is compared to the locally stored document (col. 2, lines 14-17). The website at the specific URL may include inherently include material that was previously subject to copy right protection. The result of the comparison is a

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change indicator, which is a program decision that a change has occurred (col. 6. lines 64-66).

A determination is thus made that a registration update is needed. The registration update takes the form of sending an e-mail notification that the locally stored document has changed.

Claim 20: The user is provided an e-mail notification.

Claim 21: A copyright registration is, by definition, a registration with the US copyright office. The subject matter of a website may inherently include material subject to previous copyright registration, which is registration with the U.S. copyright office.

Remarks

With respect to claim 1, applicant argues that Freivald'et al.'s "registration" of a website with a change detection tool is not the same as the "registration of an on-line website". Examiner maintains that these two phrase mean the same thing. The registration with the change detection tool reads as a registration of an on-line website, particular since the change detection tool detects changes in on-line websites. Applicant further argues that Freivald et al. allegedly makes no mention of updating a registration. Examiner maintains that sending an e-mail to a user when a change is detected is in fact readable as an "update" to the registration made by the user with the change detection tool.

With respect to claim 6, applicant argues that in Freivald et al., "there is no notion updating a registration". Examiner maintains that Freivald et al. discloses the steps of first registering website content by registering the site or specific content with a change detection tool. When a change is detected, an e-mail is sent, which is the act of updating the registration.

With respect to claim 19, applicant argues that Freivald et al. makes no mention of copyright registration. Examiner maintains that Freivald et al. can analyze the content of

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websites, which inherently can include material which was subjected to previous copyright protection (claim 19, line 5). Claims 19-21 do not require that the registration act be an act of registering the subject matter with the US copyright office, only that the subject matter being analyzed is previously subject to copyright, which is certainly the case with material available on the Internet.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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